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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Davis Foulger, et al.

App. No.: 09/911,216

Filed: July 23, 2001

For: Method of Backtracing Network
Performance

Docket No.: EMPIR-024AUS

Group Art Unit: 2122

Examiner: Not yet assigned

Certificate of First Class Mailing under 37 C.F.R. §1.3(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on the date set forth below.

10/24/01
Date of Signature
and Mail Deposit

By: David W. Rouille
David W. Rouille
Registration No. 40,150
Attorney for Applicant(s)

PETITION UNDER 37 CFR 1.47(b)

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In accordance with the provisions of 37 CFR §1.47(b), Applicants respectfully request that the unsigned Declaration filed with respect to the present application be accepted to satisfy the requirements of the law.

The above-identified patent application names Davis Foulger, John Esposito, William Babcock, Robert McElhaney, and William Minckler as inventors. As evidenced by the facts set

forth in the attached Declaration of David W. Rouille, Applicants have made diligent effort to contact the inventors and despite such diligent effort Applicants have not received any response from the inventor. Applicants thus conclude that the inventors either refuses to join in the application or cannot be found.

As proof that the non-signing inventors cannot be found or reached after diligent effort or refuse to execute the application papers, Applicants have enclosed herewith a Declaration of David W. Rouille indicating the steps which have been taken to contact the inventors. The last known address of Davis Foulger is 54 Lake Oniad Drive, Wappingers Falls, NY 12590. The last known address of John Esposito is 2 Woodridge Road, Marlboroough, MA 01752. The last known address of William Babcock is 5 Kashmin's Way, Lakeville, MA 02347. The last known address of Robert McElhaney is 48 East Pasture Road, Berwick, ME 03901. The last known address of William Minckler is 104-3 Chestnut Street, Waltham, MA 02453.

In the event any additional fee is required, please charge such amount to Patent and Trademark Office Deposit Account No. 500845.

Respectfully submitted,

Dated: 10/24/01

David W. Rouille

David W. Rouille
Reg. No. 40,150
Attorney for Applicant(s)

Daly, Crowley & Mofford, LLP
275 Turnpike Street, Suite 101
Canton, MA 02021-2310
Telephone: (781) 401-9988
Facsimile : (781) 401-9966